

BEFORE

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2008-339-WS - ORDER NO. 2008-761

NOVEMBER 6, 2008

IN RE: Application of Carolina Water Service, Inc.)
for Approval of a Contract with Palmetto)
Acquisition & Investment, LLC to Service)
Marlin Bay Subdivision in York County)

ORDER APPROVING
CONTRACT

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Carolina Water Service, Inc. (“CWS” or “Applicant”) for approval of a contract with Palmetto Acquisition & Investment, LLC (“Developer”), pursuant to 26 S.C. Code Ann. Regs. 103-541 and 103-743 (Supp. 2007). The Applicant and Developer have entered into an agreement for water and wastewater utility service dated August 11, 2008. In addition, CWS also requests that the Commission waive a hearing in this matter.

Notice of the application for approval of the contract between CWS and the Developer was published in *The Herald* newspaper, which serves the area affected by the application, and no interested persons filed a protest or moved to intervene. On October 23, 2008, the Office of Regulatory Staff (“ORS”) filed a letter with the Commission stating that it had reviewed this matter and that ORS had no objections to approval of the contract. Based on these factors, we find and hold that a hearing is unnecessary and waived.

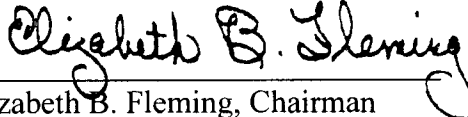
CWS is a public utility currently authorized to operate water and wastewater systems under the jurisdiction of this Commission in York County, as well as certain other counties in the state. CWS proposes to serve the Marlin Bay Subdivision (“Development”), which will consist of approximately eleven (11) single family residential homes, fifty-seven (57) townhouse units, and one (1) recreational/pool area facility when completed. The Development is within the Applicant’s authorized service area in York County, South Carolina, and according to CWS, no other public utility is authorized to serve the proposed Development. Under the agreement, CWS will provide water and wastewater service to the Development pursuant to the terms, conditions, rates and charges as approved and on file with this Commission. The Agreement provides, *inter alia*, that the Developer will construct all of the necessary water distribution and wastewater collection facilities required to serve the Development, interconnect the facilities with CWS’s existing water and wastewater systems, acquire all necessary easements and rights-of-way, and convey such facilities and easements to CWS.

Pursuant to the Agreement, CWS has agreed to reserve adequate utility capacity for up to sixty-eight (68) water and wastewater connections located within the Development, and the Developer has agreed to pay to CWS the water and wastewater service connection and plant impact fees for the service. CWS submits that the provision is warranted and in the public interest as the terms of the contract allow CWS to adequately engage in planning for operations. CWS further submits that the public convenience and necessity will be served by the approval of the agreement.

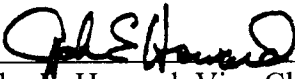
We find that public convenience and necessity will be served by approval of the contract between Carolina Water Service, Inc. and Palmetto Acquisition & Investment, LLC to serve Marlin Bay Subdivision in York County, South Carolina. The proposed development to be served is in the service territory of CWS, and no other public utility is currently authorized to serve the proposed development. Furthermore, no objections have been made to the application. Based on these factors, we therefore approve the application and the contract as filed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)